Supreme Court, U. S.
FILED
AUG 4 1977
MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1383

CHRISTIANSBURG GARMENT COMPANY
Petitioner

v.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

Petition For Certiorari Filed April 9, 1977
Certiorari Granted June 20, 1977

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United States District Court
FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

EMPLOYMENT OPPORTUNITY COMMISSION,
Plaintiff,

v.

CHRISTIANSBURG GARMENT COMPANY,
Defendant.

Civil Action
No. 74-18

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

1/25/74	Complaint, filed
2/ 7/74	Defendant's First Set of Interrogatories, filed
2/ 7/74	Defendant's First Request for Admissions, filed
2/ 7/75	Defendant's Motion to Dismiss, filed
3/ 7/74	Plaintiff's Answer to Defendant's First Request for Admissions, filed
3/ 7/74	Plaintiff's Answer to Defendant's First Set of Interrogatories, filed
4/ 5/74	Defendant's Motion for Summary Judgment, filed
4/ 9/74	Brief in Support of Defendant's Motion to Dismiss and Motion for Summary Judgment, filed
5/ 7/74	Opinion and Order filed by Court
2/20/75	Petition for Allowance of Attorney's Fees by defendant, filed
3/17/75	The Commission's Statement in Opposition to defendant's Petition for the Allowance of Attorney's Fees and Costs and Motion to Dismiss, filed
7/28/75	Memorandum Opinion and Order by Court, filed

United States Court of Appeals

FOR THE FOURTH CIRCUIT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Appellee,
v.
CHRISTIANSBURG GARMENT COMPANY, INC.,
Appellant.

Civil Action No. 75-2131

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

10/24/15 Record on appeal in one volume, Vol. 1, filed and appeal docketed.

5/ 7/76 Cause argued before Russell, Field, and Widener, in Lexington, and submitted.

1/12/77 Per Curiam opinion filed. Judge Widener dissenting.

1/12/77 Judgment of the district court affirmed. Judgment filed.

4/12/77 Notice evidencing the filing petition for writ of certiorari in the Supreme Court April 9, 1977 filed. (No. 76-1383)

United States District Court

FOR THE

WESTERN DISTRICT OF VIRGINIA

Roanoke Division

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Plaintiff,
v.
CHRISTIANSBURG GARMENT COMPANY, INC.,
Defendant.

Civil Action No. 74-18

PETITION FOR ALLOWANCE OF ATTORNEY'S FEES

Pursuant to Rule 54(a) of the Federal Rules of Civil Procedure and Section 706 of Title VII of the Civil Rights Act of 1964, as amended, defendant Christiansburg Garment Company hereby petitions the Court and alleges and says as follows:

1. That the defendant is an employer under Section 701(b) of Title VII of the Civil Rights Act of 1964.

2. That the Equal Employment Opportunity Commission (EEOC) instituted an action against the defendant in the U. S. District Court for the Western District of Virginia, Roanoke Division on January 24, 1974.

3. That the defendant Christiansburg Garment Company duly filed a Motion to Dismiss the Complaint.

4. That defendant Christiansburg Garment Company filed interrogatories and requests for admission which were answered by plaintiff EEOC.

5. That thereafter on or about April 5, 1974 the defendant Christiansburg Garment Company filed a Motion for Summary Judgment on the pleadings, interrogatories and requests for admission.

6. A hearing on the defendant's motion was held before the Honorable Judge James C. Turk in Roanoke, Virginia on April 9, 1974.

7. On May 7, 1974 the Court issued its decision granting the defendant's Motion for Summary Judgment and dismissing plaintiff's Complaint.

8. More than 60 days have expired since the action was dismissed, and the plaintiff has failed to file or to perfect any appeal in the United States Court of Appeals for the Fourth Circuit.

9. Under Section 706(k) of Title VII of the Civil Rights Act of 1964 as amended in 1972, the prevailing party is entitled to attorney's fees as part of its costs.

10. The defendant Christiansburg Garment Company requests that the Court award the defendant attorney's fees in an amount of not less than Ten Thousand Dollars ($10,000.00) or in such a just amount as the Court may deem just, taking into consideration that the case was one of first impression.

WHEREFORE, the defendant prays that judgment be issued for attorney's fees for the defendant in the amount of $10,000.00.

2. That defendant recover any other costs attributable to this action.

3. For such other relief as the Court may deem just and proper.

This 1 day of February, 1975.

WILLIAM W. STURGES

William W. Sturges

WEINSTEIN, STURGES, ODOM, BIGGER and JONAS, P. A.
810 Baxter Street
Charlotte, North Carolina 28202
Phone: 704/333-0511

WILLIAM B. POFF

William B. Poff

WOODS, ROGERS, MUSE, WALKER and THORNTON
105 Franklin Road, S. W.
Roanoke, Virginia 24004

Attorneys for Defendant
CHRISTIANSBURG GARMENT COMPANY

United States District Court
FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Plaintiff,
v.
CHRISTIANSBURG GARMENT COMPANY, INC.,
Defendant.

Civil Action No. 74-18

THE COMMISSION'S STATEMENT IN OPPOSITION TO DEFENDANT'S PETITION FOR THE ALLOWANCE OF ATTORNEY'S FEES AND COSTS AND MOTION TO DISMISS

NOW COMES Plaintiff, Equal Employment Opportunity Commission, hereinafter referred to as the Commission, by Counsel and opposes Defendant's, the Christiansburg Garment Company, Inc., hereinafter referred to as Defendant, Petition for the Allowance of Attorney's Fees and costs on the following grounds:

1. Defendant failed to file the requisite Bill of Costs which is a precondition to recovering costs, pursuant to the applicable statutory provisions.

2. Defendant's inordinate delay in filing its Petition for Allowance of Attorney's Fees and costs for over nine (9) months after judgment was entered, and over seven (7) months after the appeal period expired, operates to deny it the relief it now seeks.

3. Section 706(k) of Title VII does not authorize the award of attorney fees against the Commission.

4. Assuming *arguendo*, attorney's fees are allowable within the discretion of the Court against the Commission, such an award is inappropriate in this case.

For the foregoing reasons, the Commission hereby moves that Defendant's Petition for the Allowance of Attorney's Fees and costs be denied.

Respectfully submitted,

DELORES WILSON
Regional Attorney

FRANK J. TUK

FRANK J. TUK
Associate Regional Attorney

HARAIN D. FIGUEROA
ARNEDA J. HAZELL
Assistant Regional Attorneys

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia Regional Litigation Center
127 N. Fourth Street, Suite 200
Philadelphia, Pennsylvania 19106
Telephone: 215/597-0893